COMMITTEE AMENDMENT FORM

DATE: 10/31/07

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #<u>07-O-1923</u> **SECTION (S)**

RESOLUTION I. D. #07-R- PARA.

AMENDS THE LEGISLATION BY ADDING FOUR (4) CONDITIONS ONE OF WHICH IS A SITE PLAN RECEIVED BY THE BUREAU OF PLANNING AUGUST 7, 2007.

AMENDMENT DONE BY COUNCIL STAFF 10/31/07

City Council Atlanta, Georgia

07-O-1923

AN AMENDED ORDINANCE BY: ZONING COMMITTEE U-07-23

AN ORDINANCE TO AMEND ORDINANCE 00-0-1446 (U-00-27) WHICH AMENDED ORDINANCE U-78-18 (ADOPTED BY CITY COUNCIL ON JULY 17, 1978 AND APPROVED BY THE MAYOR ON JULY 25, 1978) WHICH GRANTED A SPECIAL USE PERMIT FOR A PRIVATE SCHOOL, PROPERTY LOCATED AT 4075 PACES FERRY ROAD, N.W. FOR THE PURPOSE OF A SITE PLAN AMENDMENT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That Special Use Permit U-0027/U-78-18, is hereby amended so that all previously approved site plans governing the development of the property located at 4075 Paces Ferry Road, N.W. and more particularly described by the attached legal description, are hereby deleted in their entirety and a new site plan "titled, "The Lovett School: Zoning Plan", by Hughes Good O'Leary & Ryan, dated September 19, 2000, last revised August 3, 2007, stamped as received by the Bureau of Planning on August 3, 2007 ("Revised Master Plan").is hereby adopted in lieu thereof.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements", and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

<u>SECTION 3.</u> That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for U-07-23 for 4075 Paces Ferry Road, N.W.

- 1. The site plan titled, "The Lovett School: Zoning Plan", by Hughes Good O'Leary & Ryan, dated September 19, 2000, last revised August 3, 2007, stamped as received by the Bureau of Planning on August 3, 2007 ("Revised Master Plan").
 - [All Facilities designated as a Facility in these Conditions shall refer to those numbers shown on the Revised Master Plan.]
- 2. Attached as Exhibit "A" is the seven (7) page Ordinance designated as U-00-27/U-78-18 of the City Council of Atlanta, Georgia, approved on November 15, 2000. The Zoning Conditions appear on page 3 thereof ("Zoning Conditions"). Zoning Conditions 2-6 are incorporated herein and made a part hereof, and shall become conditions herein, except in Zoning Conditions 3 and 4, the field shall refer to an Athletic Facility or Field which is Facility 4 and will be used for multiple athletic activities. Conditions 2-6, as modified herein, shall remain in effect and binding.
- 3. The Athletic Fields designated as Facilities 4, 5, 17, 23, and 24 will be lighted for evening play and activities. Facility 4 is covered by Zoning Conditions 3 and 4. The lights on Facilities 17, 23 and 24 will be directed inward and downward towards each field and shall be designed to minimize light spillage.
- 4. There will be public address systems at each of the Athletic Fields designated Facilities 4, 5, 17, 23 and 24. The public address systems are already in place, and have been used for many years at Facilities 4 and 5. The only new public address systems will be located at Facilities 17, 23 and 24.

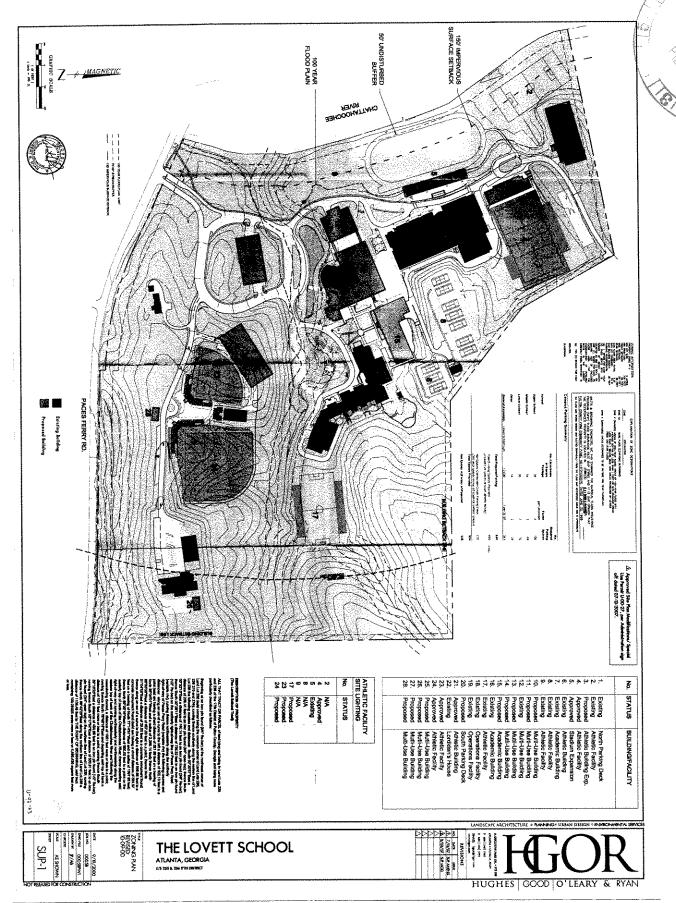


Exhibit "A" Legal Description

DESCRIPTION OF PROPERTY (The Lovett School Tract)



ALL THAT TRACT OR PARCEL of land lying and being in Land Lots 235 and 236 of the 17th District of Fulton County, Georgia and being more particularly described as follows:

Beginning at an iron pin found (3/4" Re-bar) at the northeast comer of Land Lot 235 (said corner being the common corner of Land Lots 235, 236 215 and 216); running thence southerly along the eastern line of Land Lot 235 the following courses and distances: South 00°20'57"East a distance of 208.41 feet to an iron pin found (3/4* open top); thence South 00°32'15"East a distance of 740.14 feet to an iron pin found (3/8" Re-bar); thence South 00°28'11"East a distance of 735.32 feet to an iron pin found (1/2" Re-bar) on the northerly right-of-way line of Paces Ferry Road (variable r/w); running thence northwesterly along the northerly right-of-way of Paces Ferry Road (variable r/w) the following courses and distances: along an arc of a curve to the left a distance of 322.13 feet to a point (said arc having a chord distance of 321.89 feet on a bearing of North 85°04'01*West and a radius of 2,396.14 feet); thence North 88°55'05"West a distance of 957.00 feet to a point; thence North 01°04'55"East a distance of 25.00 feet to a concrete monument found; thence along an arc of a curve to the right a distance of 558.68 feet to a concrete monument found (said arc having a chord distance of 554.97 feet on a bearing of North 77°14'51"West and a radius of 1397.63 feet) thence North 65°39'16"West a distance of 590.00 feet to a point on the easterly top of bank of the Chattahoochee River; thence departing said . right-of-way and running northeasterly and northwesterly along the eastern top of bank of the Chattahoochee River and following the meandering thereof, a distance of 1951 feet more or less to a point; running thence North 78°45'16"East and departing said top of bank a distance of 1071 feet more or less to a point; running thence South 29°15'20"East a distance of 494.88 feet to an Iron pin found (1/2" Re-bar); running thence South 52°17'54"East a distance of 550.91 feet to an iron pin found (3/4" open top) on the northern line of Land Lot 235; running thence North 89°42'25"East along the northern line of Land Lot 235 a distance of 1108.48 feet to THE POINT OF BEGINNING, said tract containing 103.06325 acres more or less or 4,489,435 square feet more or less.

CITY OF ATLANTA



OFFICE OF MUNICIPAL CLERK

STATE OF GEORGIA

COUNTY OF FULTON

CITY OF ATLANTA

I, Foris Webb III. do hereby certify that I am the duly appointed Deputy Municipal Clerk of the City of Atlanta, Georgia, and as such am in charge of keeping the Minutes of the City Council of the said City of Atlanta. I further certify that the attached is a true and correct copy of an Ordinance (00-O-1446)

A SUBSTITUTE ORDINANCE BY ZONING COMMITTEE TO AMEND ORDINANCE U-78-18, ADOPTED BY CITY COUNCIL JULY 17, 1978 AND APPROVED BY THE MAYOR JULY 25, 1978 GRANTING A SPECIAL USE PERMIT FOR A PRIVATE SCHOOL, PROPERTY LOCATED AT 4075 PACES FERRY ROAD, N.E. FOR THE PURPOSE OF APPROVING A REVISED SITE PLAN. OWNER: THE LOVETT SCHOOL APPLICANT: SAME BY: ROBERT E. SETTLE, TRUSTEE AND HOLT, NEY ZATCOFF AND WASSERMAN, LLP. ATTORNEYS NPU-A COUNCIL DISTRICT 8

ADOPTED by the City Council RETURNED WITHOUT SIGNATURE OF APPROVED as per City Charter Section 2-403 November 06, 2000

November 15, 2000

all as the same appears from the original, which is of record and on file in my said office.

GIVEN under my hand and seal of office this 28th day of November, 2000

Deputy Municipal Clerk

Exhibit A

City Council Atlanta, Georgia

SUBSTITUTE ORDINANCE BY: ZONING COMMITTEE U-00-27/U-78-18

00-0-1446

AN ORDINANCE TO AMEND ORDINANCE U-78-18, ADOPTED BY CITY COUNCIL JULY 17, 1978 AND APPROVED BY THE MAYOR JULY 25, 1978 GRANTING A SPECIAL USE PERMIT FOR A PRIVATE SCHOOL, PROPERTY LOCATED AT 4075 PACES FERRY ROAD, N.W. FOR THE PURPOSE OF APPROVING A REVISED SITE PLAN. OWNER: THE LOVETT SCHOOL APPLICANT: SAME BY: ROBERT E. SETTLE, TRUSTEE AND HOLT, NEY, ZATCOFF AND WASSERMAN, LLP. ATTORNEYS NPU-A COUNCIL DISTRICT 8

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That Special Use Permit U-78-18, adopted by City Council July 17, 1978 and approved by the Mayor July 25, 1978 is hereby amended so that all previously approved site plans governing the development of the property located at 4075 Paces Ferry Road, N.W. and more particularly described by the attached legal description, identified as Exhibit A, are hereby deleted in their entirety and a new site plan entitled "Zoning Plan, The Lovett School, Atlanta, Georgia" prepared by Hughes, Good, O'Leary and Ryan, Landscape, Architecture, Planning, Urban Design and Environmental Services, dated September 19, 2000, last revised October 9, 2000 and marked received by the Bureau of Planning October 9, 2000 is hereby adopted in lieu thereof.

SECTION 2. That the approval of this Special Use Permit is specifically conditioned on the two (2) attached documents identified as Exhibits A1 and B each consisting of one (1) page and each marked as received by the Bureau of Planning October 12, 2000.

SECTION 3. That the site plan hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by the Board of Zoning Adjustment upon the application of a petitioner.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

OMC-Amendment Incorporated by top 11/16/00

Riverda Daughen Johnson Municipal Clerk, CMC

ADOPTED as amended by the Council RETURNED WITHOUT SIGNATURE OF THE MAYOR APPROVED as per City Charter Section 2-403

NOV 06, 2000

NOV 15, 2000

ExhibitA

Zoning Conditions U-00-27, 4075 Paces Ferry Road, N.W. (The Lovett School) October 12, 2000

- 1. The site plan titled, "The Lovett School Zoning Plan", by Hughes Good O'Leary & Ryan, dated 9/19/2000, revised 10/9/00, stamped as received by the Bureau of Planning on October 9, 2000.
- 2. Enrollment shall be limited to no more than 1560 students per year.
 - 3. Lighting along the sides of the baseball field shall be directed inward and downwards towards the baseball field and shall be designed to minimize light spillage further than 150 feet off the baseball field.
 - 4. All baseball games shall terminate by 9:30 P.M. and the lights for the baseball field will be turned off no later than thirty (30) minutes following the termination of baseball play; provided, however, that the lights may stay on until 10:30 P.M> up to, and no more than three (3) times per year.
 - 5. It is contemplated that construction traffic will be entering the campus from both of the main entrances on Paces Ferry and Northside Parkway. The Lovett School shall immediately repair any damaged, injured, or broken segment of the roadway caused by this construction process.
 - 6. North Parking Garage:
 - a. The will be no lights between the proposed north parking garage (shown as Building 1 on the site plan) and the adjoining property line (the property line shared by the Lovett School and the Paces Battle residential development).
 - b. All lights in the north parking garage shall be pointed inward and downward to minimize light spillage.
 - c. Landscaping around the north parking garage shall be mutually agreed upon by the Paces Battle Association, Inc. and the Lovett School.
 - d. The parking garage shall not have a plain concrete exterior and will either be painted green or a color agreed upon by Paces Battle Association, Inc. and the Lovett School.

e. The parking structure shall be closed and the lights shall be turned off at such times as the Northside Parkway and Paces Ferry gates of the Lovett School are Northside.

RECEIVED

OCT 1 2 2000

BUREAU OF

Exhibit A 1801 of1

以-00-7.7

990302

DESCRIPTION OF PROPERTY (The Lovett School Tract)

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Exhibit Al

BUREAU OF PLANNING



This Special Use Permit (U-00-27) shall be granted upon the express condition that prior to the issuance of any building permits(s) by the City of Atlanta on the property that is the subject of this application, The Lovett School shall have received all necessary approvals by the Atlanta Regional Commission and the required Certificate from the City of Atlanta pursuant to the requirements of The Metropolitan River Protection Act.

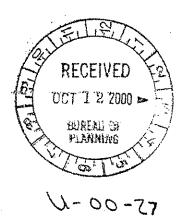


Exhibit B page 1 of, 1 axhibitA

RCS# 2376 11/06/00 4:48 PM

Atlanta City Council

Regular Session

00-0-1446 U-00-27/U-78-18; 4075 Paces Ferry Rd. NW (A-8) Site Plan Amendment ADOPT ON SUB

YEAS: 11
NAYS: 0
ABSTENTIONS: 'U
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

Y McCarty	Y Dorsev	Y Moore	Y Thomas
B Starnes	y Woolard	Y Martin	Y Emmons
NV Bond	Y Morris	Y Maddox	Y Alexander
NV Winslow	NV Muller	Y Boazman	NV Pitts

Atlanta City Council

SPECIAL SESSION

MULTIPLE 07-0-1913,1914,1915,1916,1917,1918,1919 07-0-1920,1921,1922,1923,1924 REFER ZRB/ZONE

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 4

Y Smith Y Archibong Y Moore Y Mitchell Y Hall Y Fauver B Martin Y Norwood Y Young B Shook B Maddox Y Willis E Winslow Y Muller B Sheperd NV Borders

City Council Atlanta, Georgia

07-0 -1923

AN ORDINANCE BY: ZONING COMMITTEE

U-07-23

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4-07-23



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